

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicant: Michel H. Malek  
Title: SPINE STABILIZATION SYSTEMS  
Appl. No.: 10/722,119  
Filing Date: 11/25/2003  
Examiner: David C. Comstock  
Art Unit: 3733  
Confirmation 4839  
Number:

**COMMUNICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

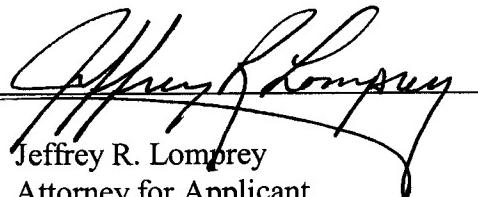
This communication is responsive to the PTO Communication of January 7, 2009.

In the PTO Communication, the Examiner states that in the interview summary of August 7, 2008, further amendment of the claims would be submitted. However, in lieu of any potential amendments, Applicant filed the Notice of Appeal on August 26, 2008. Applicant therefore requests that prosecution reopen with the claims as pending. Applicant believes that the pending claims are properly reflected in the response of January 2, 2008.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

By



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Date: January 20, 2009

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